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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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November 22, 1996

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MM Docket No. 96-202
RM-8879

Dear Mr. Caton:

Transmitted herewith, on behalf of Williams Communications, Inc., are an original and four copies of its "Comments and Counterproposal" with regard to the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.

Anne Goodwin Crump

Anne Goodwin Crump
Counsel for Williams Communications, Inc.

Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 96-202
Table of Allotments,)	RM-8879
FM Broadcast Stations.)	
(Mount Vernon, Kentucky))	

Directed to: Chief, Allocations Branch

COMMENTS AND COUNTERPROPOSAL

Williams Communications, Inc. ("WCI"), by its attorneys, hereby respectfully submits its Comments and Counterproposal with regard to the Commission's Notice of Proposed Rule Making, DA 96-1626, released October 4, 1996 ("NPRM"). With respect thereto, the following is stated:

1. At the request of Rock Communications of Mount Vernon ("Rock"), the NPRM proposes the allotment of Channel 270A to Mount Vernon, Kentucky as its second local FM transmission service and third local aural transmission service.

2. In lieu of this proposal, WCI hereby requests that the FM Table of Allotments be amended to allot Channel 270A to Stanford, Kentucky as that community's second local FM transmission service and third local aural transmission service. As set forth in the Technical Statement attached hereto, the proposed allotment to Stanford can be made in compliance with all of the Commission's technical requirements. WCI submits that the allotment of Channel 270A to Stanford would result in a preferable arrangement of the Table of Allotments and would

better serve the public interest than allotment of the same channel to Mount Vernon.

3. The Commission bases its allotment decisions on the following set of priorities: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest factors, with co-equal weight being given to priorities (2) and (3). Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982). In this instance, neither Rock's nor WCI's proposals would provide first or second full-time service or first local service. The public interest factors to be weighed under priority (4), however, favor allotting the requested channel to Stanford. The proposed Stanford station would serve a greater number of people than the proposed Mount Vernon station could. Further, Stanford is a thriving community which is growing at a greater rate than Mount Vernon and which has a larger business base to support a new station. Additionally, while both Mount Vernon and Stanford are served by local AM stations, the Mount Vernon station (WRVK) provides some nighttime service, but the Stanford station (WRSL) provides none.

4. The proposed Stanford allotment would provide new FM service to a greater number of people than could be served by the Mount Vernon facility proposed by Rock. A maximum Class A facility at Mount Vernon built in accordance with Rock's proposal would provide 1.0 mV/m service to 61,921 people. See Technical Statement at ¶5. A maximum Class A facility at Stanford, however, would be able to provide 1.0 mV/m service to 72,622 people, a substantial difference of 17.3 percent. Id. Thus, WCI's proposal would result in a more efficient arrangement of the Table of Allotments.

5. Further, a comparison of the communities involved demonstrates that Stanford has a greater need for additional FM service. Stanford is the county seat of Lincoln County. It had a

1990 Census population of 2,686. By 1992, the population of Stanford had risen to an estimated 2,916, a growth rate of 8.6 percent. Mount Vernon, on the other hand, is the county seat of Rockcastle County, with a 1990 Census population of 2,654. Although the two communities had similar 1990 Census populations, the differences between the communities are apparent from an examination of the different sizes and growth rates of the counties in which they are located. Lincoln County had a 1995 estimated population of 21,400, but Rockcastle County had a 1995 estimated population of only 15,300. Rand McNally Commercial Atlas and Marketing Guide 1996 at 112-13. Furthermore, Lincoln County experienced a growth rate of 6.8 percent between 1990 and 1995, and it is projected to have a growth rate of 7.5 percent between 1995 and 1999. Id. at 112. In contrast, Rockcastle County had only 3.4 percent growth between 1990 and 1995, and it is projected to have a growth rate of only 2.6 percent between 1995 and 1999. Id. at 113. Clearly, therefore, Stanford and Lincoln County constitute a thriving area whose growth rate requires a new local FM service to serve their needs. Mount Vernon and Rockcastle, on the other hand, appear to be virtually stagnant, with no significant growth anticipated.

6. The thriving business and industrial base in Stanford also illustrates that community's greater need for a new station. Stanford has a diverse industrial base, with 17 manufacturing concerns. Kentucky Cabinet for Economic Development, Research Division, Resources for Economic Development - Lincoln County. Forty-six percent of the manufacturing employment is with one company, H.K.M. Friction, Inc. Id. In contrast, Mount Vernon has only seven manufacturing concerns, in which 85 percent of the manufacturing workforce is employed by two firms: Mt. Vernon Plastics Corporation (57%), and Rockcastle Manufacturing Co. (28%). Kentucky Cabinet for Economic Development, Research Division, Resources for Economic

Development - Rockcastle County.

7. Likewise, Stanford has a considerably greater retail trade than does Mount Vernon. In 1994, Lincoln County had total retail sales of \$78,317,000, but Rockcastle County had total retail sales of only \$57,745,000. Rand McNally Commercial Atlas and Marketing Guide 1996 at 69. This represents a difference of 26 percent. The disparities in the communities and counties also are illustrated by the differences in income of the residents of the two areas. While Lincoln County had a 1994 median household income of \$23,311, the median household income in Rockcastle County was only \$21,701. Id. The more significant business activity in Stanford demonstrates its greater need for new FM service. Further, Stanford's greater prosperity would provide the economic support necessary to the survival of a new Class A FM station in a rural area.

8. The allotment of Channel 270A to Stanford would provide the community with only its second nighttime service, while allotment of the channel to Mount Vernon would provide a third nighttime service. Both Stanford and Mount Vernon currently have one FM allotment and one AM station. WRSL, Stanford, is a daytime-only station, however, with no nighttime operation. WRVK, Mount Vernon, on the other hand, has some nighttime operation with a power of 93 watts. Technical Statement at ¶5. Therefore, based on existing service, Stanford is in greater need of the service which would be provided by a new FM station.

9. In sum, the allotment of Channel 270A to Stanford would provide reception service to a greater number of people than would allotment of the same channel to Mount Vernon. Additionally, Stanford and the county of which it is the county seat is a more vigorous and thriving community which is experiencing considerable growth. Therefore, allotment of Channel

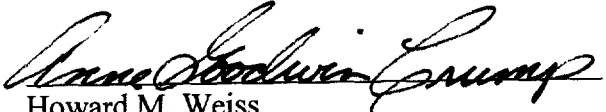
270A to Stanford would better serve the public interest.

10. If Channel 270A is allotted to Stanford as requested, WCI will submit an application for construction permit for the new station and, if the application is granted, will construct and place the station into operation in accordance with its construction permit.


WHEREFORE, the premises considered, WCI respectfully requests that the FM Table of Allotments be amended to allot Channel 270A to Stanford, Kentucky as its second local FM transmission service.

Respectfully submitted,

WILLIAMS COMMUNICATIONS, INC.

By: 
Howard M. Weiss
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Its Attorneys

November 22, 1996

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

COMMENTS AND COUNTERPROPOSAL
WILLIAMS COMMUNICATIONS, INC.

MM DOCKET #96-202
ALLOT CHANNEL 270A
STANFORD, KENTUCKY
November 1996

TECHNICAL EXHIBIT

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COMMENTS AND COUNTERPROPOSAL
WILLIAMS COMMUNICATIONS, INC.
MM DOCKET #96-202
ALLOT CHANNEL 270A
STANFORD, KENTUCKY
November 1996

TECHNICAL STATEMENT

1. This Technical Statement and attached exhibits were prepared on behalf of Williams Communications, Inc., (WCI") who seeks the allocation of Channel 270A to Stanford, Kentucky, as that community's second FM service. The allocation of Channel 270A at Stanford is mutually exclusive with the proposed allotment of Channel 270A at Mount Vernon, Kentucky, as proposed by Rock Communications of Mount Vernon ("Rock"), the petitioner in MM Docket #96-202.

BACKGROUND

2. Stanford, Kentucky, is the county seat of Lincoln County located in southeastern Kentucky. The incorporated community of Stanford has a 1990 Census population of 2,686 persons. There are numerous residential areas, businesses and organizations in Stanford. Presently, Stanford received radio service from WRSL-FM, Channel 242C3, and AM station, WRSL, 1520 kHz, Stanford, Kentucky.¹

PROPOSAL

3. Channel 270A can be allotted to Stanford, Kentucky, with a site restriction of 14.1 kilometers south-southeast of the community in order to avoid shortspacing station WKYL, Channel 271A, Lawrenceburg, Kentucky; WKRQ, Channel 270B, Cincinnati, Ohio; and WUKY,

1) WRSL(AM) operates with 500 watts daytime only with no authorized nighttime operation.

Channel 217C, Lexington, Kentucky. The channel can be allocated at reference coordinates: North Latitude 37° 25' 25" and West Longitude 84° 34' 59". From the reference site a 3.16 mV/m contour can be delivered over all of Stanford. Attached as Exhibit #1 is a usable area map which denotes the area in which a transmitter site could be located on Channel 270A at Stanford. Exhibit #2 is a §73.207 spacing analysis which indicates Channel 270A from the reference site meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities (with the exception of the mutually exclusive request for Channel 280A at Mount Vernon, Kentucky).

4. Therefore, WCI herein requests the following amendment to §73.202(b) of the Commission's rules:

Stanford, Kentucky

Present
242C3

Proposed
242C3, 270A

Mount Vernon, Kentucky

Present
275A

Proposed
275A

PUBLIC INTERESTS

5. The allotment of Channel 270A to Stanford, Kentucky, will provide this community of 2,686 persons with its second full-time aural service. A maximum Class A facility at Stanford, Kentucky, would provide 1.0 mV/m service to 72,622 persons in 2,451.4 square

kilometers.² A maximum Class A facility implemented at Mount Vernon as requested by Rock would provide 1.0 mV/m service to only 61,921 persons in 2,486.0 square kilometers.³

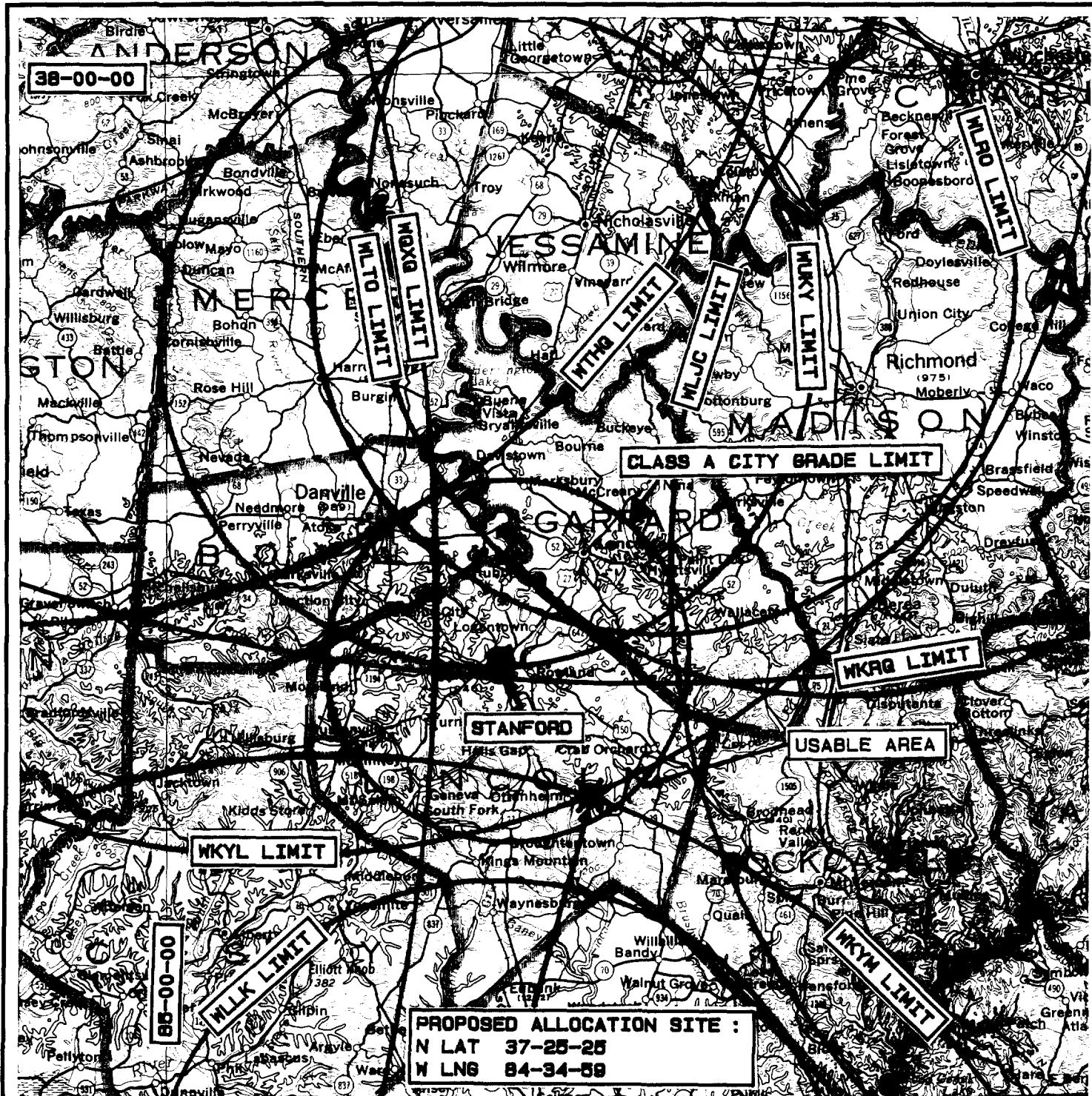
Therefore, approximately 10,701 additional persons would receive service if Channel 270A were allotted to Stanford versus Mount Vernon. Further, while both Stanford and Mount Vernon have existing AM and FM stations, the Mount Vernon AM facility, WRVK, 1460 kHz, does have limited nighttime power of 93 watts, whereas, AM station WRSL in Stanford has no nighttime operation. Therefore, a third nighttime service would be provided to Mount Vernon if Channel 270A were to that community. However, only a second nighttime service would be provided to Stanford as a result of the allocation of Channel 270A there.

6. When Channel 270A is allotted to Stanford, Kentucky, WCI will file on a timely basis an application for construction permit, FCC Form 301, seeking authority to construct a new FM station on that channel at Stanford.

7. The foregoing Technical Statement and attached exhibits were prepared on behalf of Williams Communications, Inc., by Graham Brock, Inc., its Technical Consultants. All data related to FM allotments was extracted from the NTIA FM database as updated on November 15, 1996. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.

2) Population figures extracted from the PL94-171 computer files, 1990 Census. The area of coverage is based on 36 equal radials and a 100 meter height above average terrain facility on Channel 270A.

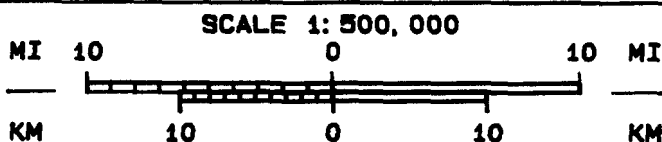
3) See Footnote #2 supra.



USABLE AREA CHANNEL 270A

MAP IS A PORTION OF THE 1: 500, 000 SCALE
U.S.G.S. BASE MAP OF KENTUCKY.

EXHIBIT #1
COMMENTS & COUNTERPROPOSAL
WILLIAMS COMM., INC.
MM DOCKET # 96-202
ALLOT CHANNEL 270A
STANFORD, KENTUCKY
November 1996



GRAHAM BROCK, INC.
BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR NEW FM STATION STANFORD, KENTUCKY
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS A	DISPLAY DATES
37 25 25 N	Current rules spacings	DATA 11-15-96
84 34 59 W	CHANNEL 270 -101.9 MHz	SEARCH 11-19-96

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD270	270A	Stanford	KY	0.0	0.00	115.0	-115.00
AD	37 25 25	84 34 59	0.000 kW	0M	0.0	71.5	
Williams Communications, Inc.							
WKYL	271A	Lawrenceburg	KY	338.6	72.00	72.0	0.00
LI CN	38 01 37	84 52 59	3.000 kW	100M	44.8	44.8	
Willis Communications, Inc. BLH-930521KF							
WKYM	269A	Monticello	KY	199.0	72.02	72.0	0.02
LI CN	36 48 36	84 50 49	1.750 kW	188M	44.8	44.8	
Stephen W. Staples Jr. BLH-930721KB							
WLLK	272A	Somerset	KY	192.3	39.25	31.0	8.25
LI CN	37 04 41	84 40 39	3.000 kW	100M	24.4	19.3	
Williams Communications, Inc. BLH-890831KD							
WLJC	271A	Beattyville	KY	75.3	81.71	72.0	9.71
LI CN	37 36 23	83 41 16	1.200 kW	159M	50.8	44.8	
Hour of Harvest, Inc. BMLH-910102KA							
WKRQ	270B	Cincinnati	OH	2.1	188.00	178.0	10.00
LI CN	39 06 58	84 30 05	16.000 kW	267M	116.8	110.6	
Great American TV & Radio Co. BLH-880307KC							
WUKY	217C	Lexington	KY	348.1	41.38	29.0	12.38
LI DCN	37 47 18	84 40 49	95.000 kW	306M	25.7	18.0	
University of Kentucky BLED-891211KA							
WLRO	268C3	Richmond	KY	24.0	55.42	42.0	13.42
LI ZCN	37 52 45	84 19 33	7.200 kW	165M	34.4	26.1	
Clark Broadcasting Company BLH-951101KC							
WLRO.A	268C3	Richmond	KY	24.0	55.42	42.0	13.42
AP ZCN	37 52 45	84 19 33	9.000 kW	165M	34.4	26.1	
Clark Broadcasting Company BPH-961003ID							
WOXQ	270C1	Central City	KY	275.5	213.70	200.0	13.70
LI CN	37 35 03	86 59 29	100.000 kW	204M	132.8	124.3	
Muhlenberg Broadcasting Company BLH-930826KA							
WLTO	273A	Nicholasville	KY	8.6	45.75	31.0	14.75
LI CN	37 49 52	84 30 18	2.000 kW	122M	28.4	19.3	
Clark Broadcasting Corporation BLH-880909KA							
WTHQ	269A	Shelbyville	KY	329.7	101.80	72.0	29.80
LI CN	38 12 48	85 10 16	6.000 kW	100M	63.3	44.8	
Shelby County Broadcasting, Inc. BMLH-960521KA							

ALLOCATION STUDY CHANNEL 270A

EXHIBIT #2
COMMENTS & COUNTERPROPOSAL
WILLIAMS COMM., INC.
MM DOCKET # 96-202
ALLOT CHANNEL 270A
STANFORD, KENTUCKY
November 1996

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

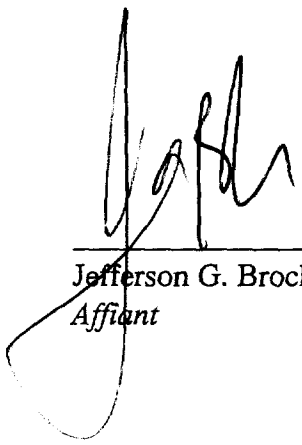
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Williams Communications, Inc., to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

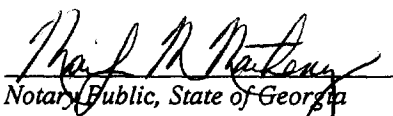
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 20th day of November, 1996.



Jefferson G. Brock
Affiant

Sworn to and subscribed before me
this the 20th day of November, 1996

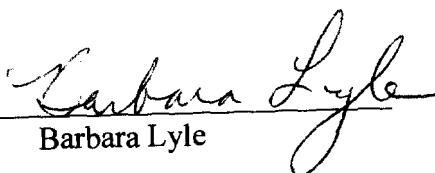


Notary Public, State of Georgia
My Commission Expires: September 12, 1999

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Comments and Counterproposal" was sent this 22nd day of November, 1996, by first-class United States mail, postage prepaid, to:

John F. Garziglia, Esquire
Pepper & Corazzini, L.L.P.
Suite 200
1776 K Street, N.W.
Washington, D.C. 20006
Counsel for Rock Communications of Mount Vernon


Barbara Lyle